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INTERNAL IMPROVEMENTS IN INDIANA.

No. II—THE NATIONAL ROAD.

BY SMILEY N. CHAMBERS.

[This paper was read before the Indiana Centennial Association, at Indianapolis, July 4, 1900. It is here slightly abridged. The full text may be found in the *Indianapolis Journal* for July 15, 1900.]

NEED OF A GREAT HIGHWAY.

Our fathers, endowed with wisdom, courage and foresight, possessing a broad, though by no means adequate, prophecy of the future development of the country, early saw the importance of a public highway connecting the Eastern coast fringe with the broad and undeveloped West. The Eastern coast cities were looking toward the West for increase of commercial business. The mountains quite effectually shut off communications between the sections. But west, between the Blue Ridge and the Mississippi River, even beyond, lay a vast territory covered with splendid forests, a fertile soil, magnificent lakes and splendid rivers—an empire of unoccupied territory; the great Ohio river with its tributaries flowing into the Mississippi, at the mouth of which was situated New Orleans, with its rapidly increasing population. This splendid territory was to be subdued and occupied by the courageous and thrifty pioneer. Indians yet occupied much of it. The entire possession was exposed to invasion from north and south, not to speak of the frequent uprisings of the savages. The protective power of the East was required. It was early impressed upon those having charge of national affairs that military necessity, as well as commercial prosperity, required easy modes of communication between the widely separated sections of the country. The purchase of new territory, extending the limits of our domain, emphasized the necessity of adopting the best means of securing it and utilizing its resources. This was to be a great country. It should be bound together with the strongest possible bonds. Nothing better could be devised than a great public highway, leading from the cities of the East across the mountain ranges,

first to the navigable waters of the Ohio, where water communication could be had with the South, and, second, on to the Mississippi river, where a small settlement already was established. In our day of great railroad systems, telegraph lines and steamboat navigation, this does not seem to be much of an enterprise, but to our fathers, with but a few million people behind them, with a treasury of limited means, it was an undertaking of magnificent proportions and lofty patriotism. It early enlisted the earnest attention and interest of the foremost men of the Nation.

PRELIMINARY STEPS.

As early as 1797 a resolution was introduced upon the subject, but nothing more was done at that time. By an act of Congress April 30, 1802, the people of Ohio were enabled to form a constitutional government. It was therein provided that 2 per cent. of the proceeds of the sales of public lands within her limits should be held and applied in the construction of a public highway leading from some point on the coast to a point within her borders. A like provision was made in the act admitting Indiana into the Union, reserving 2 per cent. of the proceeds of her public lands for similar purpose. The effect of these provisions never dawned upon the minds of those enacting the laws. Nevertheless they were very important and far-reaching, as will be seen later on. They may almost be said to have been providentially inserted, for, trivial as they seemed, they became the lever which the advocates of larger expenditures for internal improvements used in advocacy of the doctrine of implied power in the government under the Constitution for the appropriation of public moneys, and the doing by the government of many things, the power to do which was denied by some of the ablest men of the time. The Cumberland, or, as it is more properly known in this section, the National Road, was frequently the subject of acrimonious debate by the ablest men in Congress. It was the occasion of an able message from President Monroe, and, in connection with the Chesapeake and Ohio canal, entered largely into the campaign of 1824, and became an object of universal discussion East and West.

An act was approved March 29, 1806 (the first congressional action taken), to regulate the laying out and making a road

from Cumberland in the State of Maryland, the head waters of the Potomac, to the State of Ohio. The President was authorized to appoint three discreet and disinterested citizens of the United States to lay out a road from Cumberland, or a point on the northern bank of the River Potomac in the State of Maryland between there and the place where the main road leading from Givins to Winchester in Virginia crosses the river, to the State of Ohio, whose duty it shall be, as soon as may be after their appointment, to repair to Cumberland aforesaid and view the grounds from the points on the River Potomac hereinbefore designated to the River there, and to lay out in such direction as they shall judge under all the circumstances the most proper, a road from thence to the Ohio river, to strike the same at the most convenient place between a point on its eastern bank opposite to the northern boundary of Steubenville in said State of Ohio and the mouth of Grave creek, which empties into the said river a little below Wheeling, Va. It should be four rods wide and designated on each side by marks on trees or by stakes at every quarter mile. The commission should report to the President, who might accept or reject in whole or in part the report. If he should accept, he should pursue such measures as in his opinion should be proper to obtain consent for making the road of the State or States through which the same was laid out.

The act further provides: "In case the trees are standing they shall be cleared the whole width of four rods (sixty-five feet) and the road shall be raised in the middle of the carriage way with stone, earth or gravel and sand, or a combination of some or all of them, leaving or making, as the case may be, a ditch or water course on each side and contiguous to said carriage way, and in no instance should there be an elevation in said road when finished greater than an angle of 5 degrees with the horizon. But the manner of making said road, in every other particular, is left to the direction of the President" (a rather grave responsibility). Thirty thousand dollars was appropriated "to defray the expense of laying and making roads to the State of Ohio by virtue of the act of 1802." There was no provision in this act for the exercise of the right of eminent domain. There seems to have been no necessity for such pro-

vision, for we learn from the report of the commissioners that everybody wanted the road to come his way. But one man refused to join the government in the appointment of appraisers. He three times petitioned Congress for relief, but each committee to which his petition was referred reported against him, and finally he appealed to his own State, Virginia, but his petition was ignored.

PROGRESS REPORTED.

December 30, 1806, this commission made a report of progress, premising the report with the statement that "the duties imposed by law become of greater magnitude and a task much more arduous than was conceived before entering upon it." They had employed "a surveyor of professional merit" (sic), "two chain-carriers, a marker, one vaneman, a pack-horse man and a horse," the latter being described as indispensable and really beneficial in accelerating the work. They had examined a space "comprehending two thousand square miles, a task rendered still more incumbent by the solicitude and importunities of the inhabitants of every part of the district, who severally conceived their grounds entitled to preference."

The highest consideration governing the commission was, first, shortness of distance between navigable points on the eastern and western waters; second, a point on the Monongahela best calculated to equalize the advantage of this portage in the country within reach of it; third, a point on the Ohio river most capable of combining certainty of navigation with road accommodations, including in the estimate remote points westwardly, as well as present and probable population in the North and South; fourth, best method of diffusing benefits with the least distance of road.

The President had evidently been successful in selecting discreet and disinterested citizens. They seem to have done their work diligently and with an eye single to their duties under the law. They fixed the starting point at Cumberland, "a decision founded on propriety and in some measure on necessity." It ended at a point below the mouth of Wheelen's creek and the lower part of Wheelen's island. The route was twenty-four and a half miles in Maryland, seventy-five and a half miles

in Pennsylvania and twelve miles in Virginia. There was much contention between Brownsville and Uniontown, Pa., for the road, but the latter secured the prize. The commissioners were looking to further extensions of the road, for they say in locating the road through Brownsville it was seen that Wheeling lay in a line from Uniontown to the center of the State of Ohio and Post Vincennes. The latter was then territorial capital, the home of General Harrison, and swelling with prospects of future greatness. In this same year Vincennes University was liberally endowed with lands by Congress, and the progressive citizens of the post that year formed a library association which in a few years accumulated a library of most excellent books, which now are the property of the university. Attention throughout the country was much attracted toward this point. Jefferson in his message to Congress conveying the report refers to this suggestion of conveying the road through Vincennes as passing through "a very interesting section of the country."

The commissioners estimated the expense of the construction of the road at \$6,000 per mile, and this conclusion was reached by recurring to the experience of Pennsylvania and Maryland in the business of artificial roads. As to the policy of increasing this expense, it is not, they say, the province of these commissioners to declare, but they can not, however, withhold assurances of a firm belief that the purse of the Nation can not be more seasonably opened or more happily applied than in promoting the speedy and effectual establishment of a great and necessary road in the way contemplated.

JEFFERSON'S ACTION.

In January, 1807, Mr. Jefferson, in a message to Congress, transmitted the report of these commissioners. He says: "On receipt of the report I took measures to obtain consent for making the road of the States of Pennsylvania, Maryland and Virginia, through which the commissioners proposed to lay it out. I have received acts of the legislatures of Maryland and Virginia giving the consent desired. That of Pennsylvania has the subject still under consideration, as is supposed. Until I have received consent to a free choice of route through the whole distance I have thought it safest neither to accept nor reject

finally the partial report of the commissioners. Some matters suggested in the report belong exclusively to the legislature." In February, 1808, Mr. Jefferson reported that he had received the consent of Pennsylvania and had consequently approved the route proposed to Uniontown, and then continues:

"From thence the course to the Ohio and the point within the legal limits at which it shall strike the river is still to be decided. In forming this decision I shall pay material regard to the interests and wishes of the populous parts of the State of Ohio and to a future and convenient connection with the road which is to lead from the Indiana boundary near Cincinnati by Vincennes to the Mississippi at St. Louis, under authority of the act of the 21st of April, 1806. In this way we may accomplish a continued and advantageous line of communication from the seat of the general government to St. Louis, passing through several very interesting parts of the Western country."

The government was gradually being committed to a general system of internal improvements. Much criticism was made of Jefferson. His course was justified upon the proposition that the government was pledged to the construction of this road by the reservation in the act admitting Ohio into the Union at 2 per cent. of the proceeds of sales of public lands within its limits. But in the above suggestion Mr. Jefferson was running ahead of this proposition, for as yet no provision as to Indiana and Illinois public lands had been made.

Nevertheless, this road to Wheeling was constructed and became a great thoroughfare. Mr. Mitchell, of Maryland, in 1823, in a report on the practicability of connecting the Susquehanna with the Ohio, says: "It has been estimated that in the year 1823 there were, on an average, 2,555 wagoners employed in the transportation of merchandise from Philadelphia to Pittsburgh alone; that they carried 89,425 hundred-weight, which was valued at \$17,885,000. From Baltimore, in the same year, merchandise to the value of \$12,000,000 was transported over this highway."

The West was growing rapidly in population and political power. In 1816 Indiana was admitted to the Union, and 2 per cent. of the proceeds of the sales was reserved for the construction of this road. Illinois was rapidly increasing in population,

while the great territory west of the Mississippi was opening up grandly to the vision of the home-seekers. The people were growing impatient for means of intercommunication between them and those of the East. The spirit of internal improvement popularly known as the "American system" was rapidly growing, but the pioneers were poor and the States hardly yet organized. The pressure upon the government for more rapid action was great.

DIFFERENCE OF OPINION.

In the meantime division became more acute among statesmen as to the power of the federal government to collect and expend money in such enterprises. As early as 1815 the somewhat exuberant Madison in a message to Congress refers to the great importance of establishing throughout the country the roads and canals which can be best executed under national authority. "No objects," he says, "within the circle of political economy so richly repay the expense bestowed on them; there are none the utility of which is more universally ascertained and acknowledged; none that do more honor to the government whose wise and enlarged patriotism duly appreciate them. Nor is there any country which presents a field where nature invites more the art of man to contemplate her own work for his accommodation and benefit. These considerations are strengthened, moreover, by the political effect of these facilities for intercommunication in bringing and binding more closely together the various parts of our extended confederacy. While the States individually, with a laudable enterprise and emulation, avail themselves of their local advantages by new roads, by navigable canals and by improving the streams susceptible of navigation, the general government is the better adapted to similar undertakings requiring a national jurisdiction and national means, by the prospect of thus systematically completing so inestimable a work; and it is a happy reflection that any defect of constitutional authority which may be encountered can be supplied in a mode which the Constitution itself has providently pointed out."

This latter suggestion evidently meant an amendment to the Constitution. A resolution was introduced in Congress looking

to that result, but was voted down by those who believed that the implied powers under the Constitution were sufficiently broad to warrant such expenditures. The West was unwilling to wait the slow method of constitutional amendment.

The thirteen States which had entered into the League of Confederation occupied territorial possessions upon the Atlantic stretched out upon a coast line greater in length than fifteen degrees of latitude. Each desired a commerce of its own upon the ocean, and such methods of developing its internal resources as were dictated by the varieties of soil and climate, and by the habits and customs of the inhabitants.

It is strange to us that there was no national effort to construct a great highway along the coast, connecting the great cities along it, uniting New England and the South. The failure can be accounted for only upon the theory that each State was jealous of its own possessions, of its own development. State pride, or, as we term it, State rights, diverted the national energies in the directions of those regions the trade and commerce of which were open to all, where to subdue the Indians and to open up new territories for a rapidly accumulating population might be found a common ground of action. Thus along the line of the National Road, over the mountains into the vast and virgin forests of Ohio, Indiana and Kentucky, the star of empire took its course. Even here there were encountered difficulties arising from the necessity for passing through the States of Maryland, Virginia and Pennsylvania. Special acts of consent by these States were required to permit the location and construction of the road. As we have already seen, Mr. Jefferson refused to proceed to any steps until these acts had been passed.

A PERPLEXING QUESTION.

The more perplexing question in the way of completing the enterprise was, had Congress the power to appropriate the public money for carrying on a general system of internal improvements? This question had been growing in importance for a number of years. It entered into political discussions and divided the people. Both Jefferson and Monroe had used public funds in the acquisition of territory, Jefferson in the purchase

of Louisiana Territory from France, and Monroe of Florida from Spain. Both purchases were opposed by many able men upon constitutional grounds. So that when Congress, in 1822, passed an act authorizing the expenditure of further public funds for the further extension of the Cumberland or National Road, the act was met by a veto from Mr. Monroe. Mr. Monroe had belonged to the school of strict constructionists. He was opposed to the rule followed by Washington, with the support of Hamilton, "That congressional power was not limited by the express grants of the Constitution, but that it included such implied powers as were necessary to execute the express powers." He was more inclined to follow the "strict construction" theory of Jefferson and Madison. "His veto message," says Colonel Thompson, "was the longest and most labored ever sent to Congress, and subjected him to severe criticism, especially in the West, where the sentiment in favor of the road was very strong. He was charged with inconsistency in using public funds for the purchase of Florida, as Jefferson had in the purchase of Louisiana, and yet was willing so to restrict the powers of the government in regard to internal improvements that the country should be left dependent upon the State alone, without any aid whatever from the general government." Colonel Thompson adds: "The new States interested in the Cumberland road were occupied by an industrious population, engaged in clearing away the forests, in order to make their lands more productive and profitable, and were consequently not in condition to be taxed by the States, even for improvements absolutely necessary for local purposes. They reasoned that if the national government possessed the power to acquire foreign territory, or to exercise ownership over the public domain within the States, it must necessarily and logically possess also the incidental power to make interstate improvements, in order thereby to induce emigration from the old to the new States, to increase the value and sales of the public lands, and to add to the general prosperity."

It is to be said to the credit of Mr. Monroe that he modified his views, and even in his veto message he says: "It is contended on the one side that as the national government is a government of limited powers, it has no right to expend money

except in the performance of acts authorized by the other specific grants, according to a strict construction of their powers; that this grant, in neither of its branches, gives to Congress discretionary power of any kind, but it is a mere instrument in its hands to carry into effect the powers contained in the other grants. To this construction I was inclined in the more early stage of our government, but on further reflection and observation my mind has undergone a change."

Even thus early we find that the national development and extension of population, with new necessities, were effecting in the minds of new statesmen a change of views as to the powers conferred by the Constitution. We can but wonder how the face of things would be changed had the trend of thought in the direction of limiting the powers of the government to those expressly conferred prevailed, when we recall the vast sums expended in various ways for the extension of commerce, the building of canals, improvement of rivers and harbors, irrigating waste lands and the construction of vast railways. What an economy the other view would have brought to the people; but with what inconvenience and obstruction to development of the country can not be described.

MONROE'S VETO.

I make bold to copy one paragraph from this veto message of Mr. Monroe. While we have great respect for the ability and patriotism of our early statesmen, from our position of vast acquirements and splendid facilities for transportation we are somewhat amused at the arguments used by them and the illustrations with which they were illuminated. He is speaking of the constitutional provision for establishing post-offices and post roads, and says:

"The object is the transportation of the mail throughout the United States, which may be done on horseback, and was so done until lately. Between the great towns and other places where the population is dense, stages are preferred because they afford an additional opportunity to make profit from passengers; but where the population is sparse, and on crossroads, it is generally carried on horseback, unconnected with passengers and other objects. It can not be doubted that the mail itself

may be carried in every part of our Union with nearly as much economy and greater dispatch on horseback than in a stage, and in many parts with much greater. In every part of the country in which stages can be preferred the roads are sufficiently good, provided those which serve for every other purpose will accommodate them. In every other part where horses alone are used, if other people pass them on horseback, surely the mail carriers can. For an object so simple and so easy in its execution it would doubtless excite surprise if it should be thought proper to appoint commissioners to lay off the country in a great scheme of improvement, with the power to shorten distances, reduce heights, level mountains and pave surfaces."

In view of our great expenditures and the splendid facilities for distributing the mail now enjoyed, this carries a high flavor of humor. Yet it is part of one of the ablest messages ever sent to Congress by a President of the United States. The question of the power of the government to make internal improvements became the dividing line between political parties, and the presidential campaign of 1824 was fought out upon it, the Cumberland road and the Chesapeake & Ohio canal being most under discussion. It appeared in the courts, and the great doctrine of the implied power of Congress, under the Constitution, to make enactments and expenditures of public funds for which there was no express authority in its provisions was finally judicially declared by Chief Justice John Marshall, in the case of *McCulloch vs. The State of Maryland*, in which it was decided that the State of Maryland could not tax the shares of the stock in the United States Bank because it was prohibited from doing so by the act establishing the bank.

THE QUESTION IN CONGRESS.

There was scarcely a session of Congress from 1815 to 1846 in which the Cumberland road was not under discussion. It was always asking appropriations for surveys, construction and repairs. Every inch of it was fought over time and again. It was the subject of ridicule as well as oratorical flights. The ablest men of any time and country discussed its merits. It was spoken of as this noble monument of our enterprise and industry, this great artery of communication between the East and the

West, so essential to our intercourse and our prosperity. But the spirit of progress and material development usually came out victorious, winning its way against adverse majorities by some hook or crook. Mr. Barbour, of Virginia, who was opposed to the extension of the powers of the federal government beyond the constitutional limits, at one time said: "The only question is, shall we enjoy it or from fastidious technicality refuse it? To appropriate money out of the public treasury to keep it in repair is unjust and involves as strongly the constitutional question. The circumstances of this case being peculiar, this measure can not be considered as a precedent in reference to the general question." So he voted for the bill, as did others, and it passed. Whether the fact that Virginia by a legislative act had authorized the government to complete, establish and regulate this road as to them might seem proper, affected his vote can not now be told. But thus it was that the powers of the general government grew, little by little, local and personal interests often having a large influence, until not only a national road and canals, but a national banking system was finally projected and carried into effect; and the foundations of the great American Republic were laid firm and deep—a continent in a hundred years has been subdued, unprecented progress and development followed. The wonder of all generations is now the great American people.

John C. Calhoun, then secretary of war, communicated to the House of Representatives a very lengthy letter on roads and canals, "With a View to Military Operations in Times of War." In it he says: "A judicious system of roads and canals constructed for the convenience of commerce and the transportation of the mail only, without any reference to military operations, is of itself among the most efficient means for the more complete defense of the United States. Such a system, by consolidating our Union, increasing our wealth and fiscal capacity, would add greatly to our resources of war." He then suggests a vast system of roads to be laid out and constructed under the supervision of the Department of War, and that the engineers of the army be used in surveying and the soldiers be utilized in constructing them. This suggestion was not followed. Mr. Hemphill says: "It is curious to witness the alarm which is occasionally excited

concerning the exercise of constructive powers when Congress is never in session a week without acting upon them. We have only to look at the statute books for instances, as the law relating to fugitives who are held to labor in any of the slave States, the laws regulating the carrying of mail, the Bank of the United States, the Military Academy, light houses, post houses and trading houses among the Indians; all are creations of constitutional powers. So are the laws relating to revenue cutters, the navy hospital, pension and gratuitous grants of money, and in the same class may be placed laws concerning vaccination and for the civilization of the vine. Yes, Mr. Chairman, we not only make laws which are the mere offspring of constructive powers, but we enforce them by high penalties and the infliction of punishment of death."

SECTIONAL FEELING.

It was proposed by a bill in 1817 to use the dividends from the shares in the bank of the United States for twenty years, which was the period of the charter, in the further extension and repair of the Cumberland road. It passed both Houses, but was vetoed by President Madison.

The feeling between the West and the East at times grew very intense on this subject. In 1827, when the question was before the House upon appropriating sufficient funds for continuing the work, Mr. Johnson, of Kentucky, said: "I am sorry to perceive that the people of the West were obliged to contend, inch by inch, for every inch of ground they obtained in this road. For twenty years they had been begging for little by little, and now, after the completion of the Cumberland road had been settled as a principle, they were opposed by the same opposition as had been made at first. The Western members were never backward in voting for fortifications and other improvements on the seaboard, and it was a hardship; the objects for the good of the Western States were uniformly opposed." (Congressional Debates, Volume 3.)

In the same debate Mr. Noble, of Indiana, said, speaking at "considerable length": "The provision in the act of 1821 was inserted for the same reason that the 2 per cent. was filched from the Western States to make the road through Pennsylvania

and Virginia to Ohio. The gentleman from Pennsylvania was very willing that the work should stop, because the road through his own State was finished. The United States had taken the money and had undertaken to build the road, and now the benefits were withheld from the Western States because they were not sufficiently strong to enforce their rights, but (in a defiant mood) they would hereafter be able to claim them, and their fathers of the old States would be forced to yield them justice." He wished to know what authority the United States had to take the money of the States of the West and expend it to construct roads through two States, while the people in the forests were left to struggle through the swamps and morasses, yet whenever any relief was asked by the West they were met with constitutional scruples and difficulties.

The motion to strike out the appropriation was rejected and the West was victorious; \$30,000 was appropriated for the repair and maintenance of the road.

December 31, 1827, Mr. Noble introduced a bill for a continuation of the Cumberland road, which he prefaced by remarking that under the administration of Jefferson the first bill for the construction of the Cumberland road was passed, when Congress clearly held out to the people of the West that it should be continued. He wanted that pledge redeemed. The bill authorized the completion of the work to Zanesville, O., and provided for a survey to the seat of government of the State of Missouri.

In 1833 a bill was introduced to continue the road from Vandalia to Jefferson City, Mo. An amendment was offered by Mr. Benton to continue it thence to the western frontier of Missouri in the direction of the military post on the Missouri river above the mouth of Kansas (Fort Leavenworth), and to the intersection of the route for the commerce from Missouri to Santa Fe. He considered his amendment as "a link in the chain of the great road from Washington City to Santa Fe, the two ends of which had been either made or marked out by the federal government, and only the link in Missouri remaining to be filled up to complete the longest line of road made by any government since the time of the Roman empire. Benton's amendment was lost and the longest road did not materialize in the bill passed.

END OF THE ROAD.

The road was constructed, in many parts very imperfectly, through Indiana and as far as Vandalia, Ill. It could get no further. It had dragged its slow length along for nearly half a century. It was, however, finally overtaken by the steam railway and then ceased to exist as an object of national concern. This road was under discussion as late as in 1846. Upon this occasion the celebrated Georgian, Mr. Yancey, said:

"When the project of the Cumberland road was first conceived, it was needed as a great highway for the trade and produce of the fertile west to find an outlet on the Atlantic coast. The mountains intervened between the Ohio valley and the Atlantic coast. Steam, not then in such general use as now, had not rendered the upper Ohio navigable; railroads had not clamped as now with iron bands the trembling earth. The rich produce of the soil found its way to market over rough roads upon the lumbering wagons, and the traveler when jolted over them at the rate of sixty miles a day considered himself as doing a good day's work. How different now! The broad Ohio is navigable by hundreds of floating palaces, propelled against its current by fire-breathing engines. The mountains are pierced by railroads and canals. * * * Why, sir, men are behind the times with this old road. The spirit of the age is onward. Thirty miles an hour on land; a thousand miles a minute on Professor Morse's wires is deemed ordinary speed. On this road, my friend from Indiana (Mr. Owen), informs me that during parts of the year he has been able to make but two miles an hour on horseback."

In 1848 an act was passed surrendering to the State of Indiana the Cumberland road. Mr. Hannegan, of Indiana, introduced the bill in the Senate. It was accepted by the State. Similar action was taken with reference to those portions in other States, and the "National Road" was no longer a federal institution.

THE ROAD IN INDIANA.

By an act of the General Assembly of Indiana, approved January 16, 1849, the Central Plank Road Company was incorporated. The commissioners named in this act were Nicholas McCarty, William Morrison, William Robson, Jeremiah Johnson and J. F.

Oaks, of Marion county; John Templin, Nathan Crawford and David S. Gooding, of Hancock county; Jesse Hocket, Joseph Lawhead and George Kneigh, of Hendricks county, and William Eaglesfield, David Scott and Gilmore Connelly, of Putnam county. By Section 17 of this act it is provided as follows:

"Section 17. This corporation is hereby empowered to take possession of, occupy and use, for the purpose of constructing a plank road thereon, all that portion of road known as 'the National Road,' together with the bridges, timber, stone, gravel or other materials now belonging to said road, lying between the eastern line of the county of Hancock and the western line of the county of Putnam; and all the rights and privileges heretofore belonging to the United States in regard to such part of said National Road, and which have been surrendered to the State of Indiana, be and the same are hereby transferred to and vested in said company for the purposes contemplated in this act; provided, that the president, directors and company of the Terre Haute & Richmond Railroad Company, or any other railroad, shall have the right and power of locating and constructing said railroad across said plank road and of recrossing the same at such points as shall be convenient or necessary, doing no injury to the same more than is absolutely necessary."

And thus ended the National Road in Indiana.

It had not realized the full importance hoped for it by its early projectors. It did not equal the construction and splendor of the renowned roads of the Roman empire and the Incas. Nevertheless, its history is a proud one. It served a great purpose. Over its rough way there traveled from civilization into a new and unsubdued country the sturdy and courageous pioneer. The extent to which it aided in the development of our great country can never be fully written. It was a noble monument to the courage and lofty patriotism of the fathers of the country.